

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD WESTGARD,

Petitioner,

V.

MARGARET GILBERT,

### Respondent.

CASE NO. 16-cv-05334 RBL JRC

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creature, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation (Dkt. #10).
- (2) Petitioner's Motion to Withdraw Petition without Prejudice (Dkt. #9) is

GRANTED, and the Petition for Writ of Habeas Corpus is DISMISSED without prejudice.

**DATED** this 30<sup>th</sup> day of August, 2016.

Ronald B. Lightner

Ronald B. Leighton  
United States District Judge